

United States Bankruptcy Court Northern District of Ohio

Local Rules

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LOCAL BANKRUPTCY RULES
UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

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Local Bankruptcy Rules -- Northern District of Ohio

Rule 1001-1 SCOPE AND CITATION OF RULES

(a) Scope of the Rules. Pursuant to Fed. R. Bankr. P. 9029, the following Local Rules for the United States Bankruptcy Court, Northern District of Ohio, will control the conduct of proceedings in this Court. Nothing in these Rules shall be construed in a manner inconsistent with the Federal Rules of Bankruptcy Procedure.

(b) Citation. The Local Bankruptcy Rule(s) shall be cited as "Local Bankruptcy Rule(s)" or "LBR."

(c) Effective Date. The Local Bankruptcy Rules shall apply to all cases pending in this district.

(d) Construction of Rules. The Local Bankruptcy Rules shall be construed to achieve an orderly administration of the business of this Court; to govern the practice of attorneys before this Court; and to secure the just, speedy, and inexpensive determination of all litigation coming before this Court.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 1001-2 RULES OF CONSTRUCTION

(a) Reference in the Local Bankruptcy Rules to an "attorney" or "counsel" for a party is in no way intended to preclude a party from proceeding *pro se*, in which case reference to attorney or counsel applies to the *pro se* litigant.

(b) "Ordered by the Court" or similar language shall mean ordered by the Judges in respect of matters of general application and shall mean ordered by the Judge having jurisdiction if the order relates only to cases or proceedings assigned to a particular Judge.

(c) "Available from the Clerk" or similar language shall include materials made available by the Clerk at Court locations, through the Court's Internet Web site, or as otherwise ordered by the Court.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 1002-1 PETITION - GENERAL

(a) Filing. The Clerk shall accept any petition duly presented for filing, except that the Clerk may refuse to accept for filing any petition (1) not accompanied by the proper filing fee, unless otherwise authorized by law, or (2) presented for filing on behalf of a person or entity subject to an order enjoining such person or entity from filing such petition. The Clerk shall time stamp all petitions accepted for filing.

(b) Form. Except as otherwise ordered by the Court, all papers filed with the Clerk, including exhibits, shall comply with the prescribed Official Bankruptcy Forms, and shall be printed, typewritten, or hand printed in ink on 8½ x 11 inch white paper. The Clerk may accept different sized documents, such as computer printouts.

The text of this Rule also appears in LBR 5005-1(a) and 9004-1(a).

(c) Copy Requirements - All Chapters. An original and 3 copies of the petition, each schedule, statement, or list required under Fed. R. Bankr. P. 1007, and any plan required by Fed. R. Bankr. P. 3015 shall be filed with the Clerk. Upon conversion of any case, an original and 3 copies of amended schedules or related documents shall be filed with the Clerk. The above copy requirements shall not apply to papers filed by electronic means established by the Court.

The text of this Rule also appears in LBR 1007-1(b) and 5005-2.

Revised: May 2, 2001

Rule 1007-1 LISTS, SCHEDULES & STATEMENTS

(a) Schedules. The schedules shall state the names and addresses of creditors and parties in interest in alphabetical order within the designated boxes by the last names of natural persons and the first names of other entities. Computer generated forms may not exceed the box size of the official forms. Each address shall include the number and street or the post office box and the city, state, and zip code. If full address information is unknown, the schedules shall so state. Whenever an interest in real estate is scheduled, the legal description, permanent parcel number, and street address shall be stated.

The text of this Rule also appears in LBR 5005-1(c) and 9004-1(b).

(b) Copy Requirements. An original and 3 copies of each schedule, statement, or list required under Fed. R. Bankr. P. 1007, and any plan required by Fed. R. Bankr. P. 3015 shall be filed with the Clerk. Upon conversion of any case, an original and 3 copies of amended schedules or related documents shall be filed with the Clerk. The above copy requirements shall not apply to papers filed by electronic means established by the Court.

The text of this Rule also appears in LBR 1002-1(c) and 5005-2.

Revised: May 2, 2001

Rule 1007-2 MAILING - LIST OR MATRIX

(a) Form of Label Matrix. The Clerk, with approval of the Judges, may from time to time issue instructions for label matrices for automated noticing requirements compatible with the needs of the electronic data processing equipment available in the Office of the Clerk. Unless otherwise ordered by the Court, all petitions must be accompanied by a mailing matrix listing creditors and parties in interest. Matrices must be formatted to conform to automated scanning equipment used by the Clerk. All matrices must meet the following minimum standards:

- (1) Each address cannot exceed 5 lines of type;
- (2) Each matrix page must be prepared showing creditors in a single column no closer than 1½ inches from any edge;
- (3) Each line of type cannot exceed 35 characters;
- (4) Addresses should not contain account numbers or other internal creditor identifying codes;
- (5) The last line within each address must show only the city, state, and zip code;
- (6) Only two letter state abbreviations shall be used;
- (7) Matrices must be submitted in letter quality print using Courier, Prestige Elite, or Letter Gothic font styles.

(b) Modifications to Matrix. Modifications to a previously filed matrix shall be treated as an amendment to the listing of creditors and will require debtor verification and payment of appropriate costs.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 1014-1 TRANSFER OF CASES

Transfer of Cases. A petitioner requesting the transfer of a case within the district shall file the motion for transfer with the petition.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 1015-2 RELATED CASES

(a) Related Cases Defined. A petition involving a related case shall be filed at the Court location where the first related case was filed, which may be accomplished by electronic means established by the Court. Related cases include cases in which the debtors are:

- (1) Identical individuals or entities, e.g., DBAs, FDBAs, other cases of the same person;
- (2) A corporation and any major shareholder thereof;
- (3) Affiliates;
- (4) A partnership and any of its general partners;
- (5) An individual and his or her general partner or partners;
- (6) An individual and his or her spouse; or
- (7) Entities having substantial identity of financial interests or assets.

(b) Assignment of Related Cases by Clerk. A related case shall be assigned by the Clerk to the Judge to whom the first of the related cases was assigned.

(c) Reassignment of Related Cases. Notwithstanding the foregoing, if a related case is assigned to a Judge (the "Second Judge") other than the Judge to whom the prior related case was assigned (the "First Judge"), the Second Judge shall, *sua sponte* or on the motion of any party, reassign the case to the First Judge unless the Second Judge in his or her sole discretion decides to retain jurisdiction over the related case because of convenience of the parties, considerations of judicial economy, or other cause. Nothing in the Local Bankruptcy Rules shall preclude the First Judge from reassigning, at his or her sole discretion, the prior case to the Second Judge with the consent of the Second Judge.

Revised: May 2, 2001

Local Bankruptcy Rules -- Northern District of Ohio

Rule 1071-1 DIVISIONS - BANKRUPTCY COURT

Locational Assignment of Cases and Proceedings. Except as provided in 28 U.S.C. § 1408(2), or as otherwise ordered by the Court, the filing of cases or proceedings properly venued in a Court within this district shall be assigned to the Court in the division serving that county:

EASTERN DIVISION:	COUNTIES:	COURT ADDRESS:
Akron	Medina, Summit, and Portage	U.S. Courthouse and Federal Building 2 South Main Street Akron, OH 44308
Canton	Ashland, Carroll, Crawford, Holmes, Richland, Stark, Tuscarawas, and Wayne	Frank T. Bow Federal Building 201 Cleveland Avenue, SW Canton, OH 44702
Cleveland	Cuyahoga, Geauga, Lake, and Lorain	Key Tower 127 Public Square Cleveland, OH 44114-1309
Youngstown	Ashtabula, Columbiana, Mahoning, and Trumbull	U.S. Courthouse and Federal Building 125 Market Street Youngstown, OH 44501
WESTERN DIVISION:	COUNTIES:	COURT ADDRESS:
Toledo	Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, and Wyandot	U.S. Courthouse and Custom House 1716 Spielbusch Avenue Toledo, OH 43624

Local Bankruptcy Rules -- Northern District of Ohio

Rule 1073-1 ASSIGNMENT OF CASES

(a) Assignment of Cases. At each location of the Court where more than one Judge sits, cases shall be assigned at the time of filing by automated random draw.

(b) Core and Related to Matters and Proceedings. Proceedings and matters arising in or related to a case shall be assigned to the Judge to whom the case is assigned.

(c) Assignment of Related Cases - See LBR 1015-2.

(d) Assignment of Adversary Proceedings. See LBR 7040-1.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 2002-1 NOTICE TO CREDITORS & OTHER INTERESTED PARTIES

(a) Limitation on Notices in Chapter 7 Cases. After 90 days following the first date set for the meeting of creditors pursuant to 11 U.S.C. § 341, all notices required by Fed. R. Bankr. P. 2002(a)(2), (3), (5), and (7) shall, unless otherwise ordered by the Court, be mailed only to creditors who have filed claims, and to persons who file a request for all notices pursuant to Fed. R. Bankr. P. 2002(i).

(b) Responsibility for Mailing. All notices to creditors required by Fed. R. Bankr. P. 2002(a)(2), (3), (6), (7), and 2002(b) shall be mailed by the trustee, debtor in possession, debtor, or the respective counsel for each, and a certification of service shall be filed with the Clerk.

(c) Notice of Motion for Relief From Stay. See LBR 4001-1.

(c) Notice of Abandonment of Property. See LBR 6007-1.

(d) Automated Noticing Requirements. See LBR 1007-2.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 2016-1 COMPENSATION OF PROFESSIONALS

(a) Guidelines for Compensation and Expense Reimbursement for Professionals.
Applications for compensation shall be prepared in accordance with the Court's Guidelines for Compensation and Expense Reimbursement of Professionals then in force. Copies of the Guidelines are available from the Clerk.

(b) Chapter 13 Cases. Compensation of professionals in chapter 13 cases may be governed by Administrative Orders. Copies of Administrative Orders are available from the Clerk.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 2083-1 CHAPTER 13 - GENERAL

Administrative Orders Governing Chapter 13 Practice. Practice in chapter 13 cases may be governed by Administrative Orders. Copies of Administrative Orders are available from the Clerk.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 2090-1 ATTORNEYS - ADMISSION TO PRACTICE

Every member in good standing of the Bar of the United States District Court for the Northern District of Ohio is entitled to practice before this Court. Any member in good standing of the Bar of any court of the United States or of the highest court of any state may, upon written or oral motion, be permitted to appear and participate in a case or proceeding. Unless otherwise ordered by the Court, it shall not be necessary for any attorney entitled to practice before the Court or permitted to appear and participate in a case or proceeding to associate with or to designate an attorney with an office in this district upon whom notices, rulings, and communications may be served.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 2090-2 ATTORNEYS - DISCIPLINE & DISBARMENT

(a) District Court Rules Governing Discipline and Disbarment. Any attorney may, for good cause shown and after having been given an opportunity to be heard, be disbarred, suspended from practice for a definite time, reprimanded, or subjected to other discipline in accordance with the Local Civil Rules of the District Court. Any person aggrieved by the conduct of any person practicing before this Court (other than a *pro se* litigant) may file a grievance with the Clerk.

Any person who, before his or her admission to the Bar of this Court or during such person's disbarment or suspension, exercises in any action or proceeding pending in this Court any of the privileges of a member of the Bar, or who pretends to be entitled so to do, is guilty of contempt of Court and subject to appropriate punishment therefor.

(b) Pro Hac Vice Application. An attorney admitted to practice *pro hac vice* shall be subject to the disciplinary processes of this Court.

(c) Court's Inherent Power. When necessary to control or eliminate disruptive, abusive, or unprofessional practices or conduct, this Court, through its inherent powers, may after notice and hearing sanction any attorney or party.

Rule 3018-2 ACCEPTANCE/REJECTION OF PLANS

Certification of Acceptances and Rejections of Plans Under Chapters 11 and 12. In a chapter 11 or 12 case, prior to or at the hearing on confirmation, the proponent of a plan or other party who receives the acceptances or rejections shall certify to the Court the amount and number of allowed claims of each class accepting or rejecting the plan and the amount of allowed interests of each class accepting or rejecting the plan. A copy of the certification shall be served on the debtor, debtor in possession, trustee, United States Trustee, any parties requesting notice, objecting parties, and any creditors' or equity security holders' committee appointed pursuant to the Code. The Court may find that the plan has been accepted or rejected on the basis of the certification.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 4001-1 AUTOMATIC STAY - RELIEF FROM

(a) A motion for relief from the stay shall be served on the debtor, the debtor's counsel, the trustee, the trustee's counsel if appointed, any official committees and their counsel if appointed, and, if applicable, upon any other parties asserting, having, or claiming an interest in the property.

(b) If applicable, the motion shall state the names and purported interests of all parties known, or discoverable upon reasonable investigation, who claim an interest in the property in question, and shall identify the property, and state the amount of the outstanding indebtedness and the fair market value of the property. The motion shall be accompanied by a legible and complete copy of all relevant loan and security agreements and evidence of perfection, unless such documents are voluminous. A copy of any prior orders of the Court upon which the motion relies shall be attached.

(c) Unless otherwise ordered by the Court, LBR 9013-1, 9013-2, and 9013-3 are applicable to motions for relief from the stay.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 5003-2 COURT PAPERS - REMOVAL OF

(a) Temporary Withdrawal. No paper on file in this Court shall be withdrawn from the files for any purpose, except by order of the Court, except for printing the Record on Appeal by a local printer. The Court may, in its discretion, prohibit any original papers from being taken from the files for the purpose of printing, and may require copies of such original papers to be made for such purpose.

(b) Permanent Withdrawal. No paper shall be permanently withdrawn from the files except upon written order of the Court and the filing with the Clerk of (1) a duly certified copy of the paper so withdrawn and (2) a duly signed receipt of the party receiving the same. The party receiving such paper shall pay the fees for such certified copy and for the entry of the order.

Rule 5005-1 FILING PAPERS - REQUIREMENTS

(a) Form. Except as otherwise ordered by the Court, all papers filed with the Clerk, including exhibits, shall comply with the prescribed Official Bankruptcy Forms, and shall be printed, typewritten, or hand printed in ink on 8½ x 11 inch white paper. The Clerk may accept different sized documents, such as computer printouts.

The text of this Rule also appears in LBR 1002-1(b) and 9004-1(a).

(b) Facsimile Transmissions. The Clerk shall not accept for filing any facsimile transmission unless ordered by the Court.

(c) Schedules. The schedules shall state the names and addresses of creditors and parties in interest in alphabetical order within the designated boxes by the last names of natural persons and the first names of other entities. Computer generated forms may not exceed the box size of the official forms. Each address shall include the number and street or the post office box and the city, state, and zip code. If full address information is unknown, the schedules shall so state.

The text of this Rule also appears in LBR 1007-1(a) and 9004-1(b).

(d) Designation of Judge in Caption. On all papers filed with the Clerk after the petition, the name of the Judge to whom the case is assigned shall be included in the caption either above or below the case number.

The text of this Rule also appears in LBR 9004-2.

(e) Signatures. Signatures on the petition, pleadings, motions, and other documents submitted to the Court, either by conventional means or by electronic means established by the Court, shall include the attorney's typewritten name, firm affiliation, if any, address, telephone number, facsimile number, e-mail address, and Bar Registration Number. The signature of an attorney on any document filed by electronic means shall be indicated as "s/name."

The text of this Rule also appears in LBR 9011-4.

Revised: May 2, 2001

Local Bankruptcy Rules -- Northern District of Ohio

Rule 5005-2 FILING PAPERS - NUMBER OF COPIES

(a) Copy Requirements - All Chapters. An original and 3 copies of the petition, each schedule, statement, or list required under Fed. R. Bankr. P. 1007 and any plan required by Fed. R. Bankr. P. 3015 shall be filed with the Clerk. Upon conversion of any case, an original and 3 copies of amended schedules or related documents shall be filed with the Clerk. The above copy requirements shall not apply to papers filed by electronic means established by the Court.

The text of this Rule also appears in LBR 1002-1(c) and 1007-1(b).

(b) Electronic Filing. The Clerk may accept documents filed, signed, or verified by electronic means that are consistent with technical standards, if any, that the Judicial Conference of the United States establishes and that comply with the administrative procedures established by this Court.

Revised: May 2, 2001

Local Bankruptcy Rules -- Northern District of Ohio

Rule 5072-1 COURTROOM DECORUM

(a) No person shall loiter, sleep, or conduct himself or herself in an unseemly or disorderly manner in the rooms, halls, courtrooms, or entryways of any buildings or courtrooms, or on any stairway leading thereto, or otherwise interfere with or obstruct judicial activities or proceedings.

(b) No smoking shall be permitted in any area of the Courthouse not designated as a smoking area. No food or drink shall be permitted in any courtroom.

(c) When the Court is in session, the parties, counsel, and spectators shall refrain from reading books, newspapers, etc.

(d) Jurors, attorneys, witnesses, and others having business with the Court shall enter and leave any courtroom only through such doorways and at such times as shall be designated by the United States Marshal or the federal security force having jurisdiction of such building.

(e) Cards, signs, placards, or banners shall not be brought into any courtroom or hallway leading to any courtroom.

(f) Spectators shall be allowed to sit in that portion of a courtroom allocated by the Marshal or security officer charged with carrying out this order for spectator seating. No spectator shall be admitted to or be allowed to remain in a courtroom unless spectator seating is available. If spectator seating is not available within the confines of the courtroom, those persons for whom seating is not available shall not be permitted to remain in the halls or rooms adjacent to the courtroom.

(g) Spectators leaving a courtroom while Court is in session or at a recess shall not loiter in the halls or rooms of any United States Courthouse and may be re-admitted to the courtroom only in accordance with the provisions of this Rule.

Rule 5072-2 SECURITY IN THE COURTHOUSE

(a) The United States Marshal, the Federal Protective Service, or other federal security force are authorized to require all persons entering any Court to pass through an electronic metal detector before gaining access to the building or the corridors leading to the Judges' chambers. Whenever any person who activates the detector wishes to gain access to these areas, such person must submit to a reasonable, limited search of his or her person and property, in order to determine the existence, if any, of explosive or dangerous weapons that might cause injury to persons or property.

(b) All packages, bags, parcels, and brief cases shall be submitted for magnetometer, x-ray, and/or manual inspection upon entry into any Court. Any person who refuses to allow such inspection shall be denied entrance.

(c) Except for the United States Marshal, the Marshal's deputies, and assigns, no one shall have an explosive, incendiary, deadly, or dangerous weapon on or about his or her person while inside any Court, unless such person is a federal law enforcement officer, or is a law officer of another jurisdiction who receives approval of the United States Marshal. This approval shall be accomplished by signing a register in the office of the United States Marshal on each day that the person enters the Courthouse with a weapon. Such register will record the date, signature of the person carrying the weapon, destination in the Courthouse, and a brief description of the weapon.

(d) The United States Marshal and any other federal security force authorized by law are directed to enforce this Rule and to take into custody any person violating its provisions. Such persons who commit any violation of this Rule while outside the confines of a courtroom or in a courtroom outside the presence of the Judge or Judges of such Court shall be brought before the United States Magistrate Judge without any unnecessary delay. Such persons who commit any violation of this Rule while within the confines of a courtroom in the presence of a Judge or Judges shall be brought before the Judge or Judges as directed without unnecessary delay.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 5073-1 PHOTOGRAPHY, RECORDING DEVICES & BROADCASTING

(a) General Provisions. The taking of photographs in the courtroom or its environs, or radio or television broadcasting, or the use of equipment incident to radio or television broadcasting from the courtroom or its environs, during the progress of and in connection with judicial proceedings, whether or not Court is actually in session, is prohibited.

(b) Definitions. The term "environs" as used herein is defined as including any facility occupied by the Court.

(c) Recordings. This Rule shall not prohibit recordings by a court reporter or other Court-designated representative; provided, however, no court reporter or any other person shall use or permit to be used any part of any recording of a Court proceeding on, or in connection with, any radio or television broadcast of any kind. The Court may permit photographs of exhibits to be taken by, or under the direction of, the Court and counsel.

(d) Proceedings Other Than Judicial Proceedings. Proceedings other than judicial proceedings, designed and conducted as ceremonies, such as administering oaths of office to appointed officials of the Court, presentation of portraits, and similar ceremonial occasions, may be photographed in, or broadcast, or televised from the courtroom with the permission and under the supervision of the Court.

(e) Enforcement. The United States Marshal is charged with the responsibility of taking necessary steps to enforce this Rule.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 6004-1 SALE OF ESTATE PROPERTY

(a) Certification of No Objection to Sale. Where a trustee, seeking to sell property of the estate pursuant to 11 U.S.C. § 363, has caused notice to be given, and no objection has been made by any party in interest within the time fixed by Fed. R. Bankr. P. 6004(b) or by order of the Court, the Clerk shall issue written certification thereof to the trustee or a party in interest upon request at the expiration of time for filing objections to the sale.

(b) Purchasing or Acquiring Assets of the Estate Prohibited. No professional person appointed in a case by order of Court, no employee or affiliate of the professional, and no member of the professional's immediate family shall, directly or indirectly, purchase or acquire any interest in any asset of the estate.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 6005-1 APPRAISERS & AUCTIONEERS

(a) Appraiser Disqualified from Employment. No person employed by order of the Court to appraise estate property shall be employed to sell any property of the estate.

(b) Auctioneer's Expenses. An auctioneer may be allowed reasonable expenses for labor, cataloging, advertising, printing, postage, and other actual and necessary disbursements pertaining to the sale.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 6007-1 ABANDONMENT

Abandonment of Property - Service of Notice. Except as otherwise ordered by the Court, property of the estate shall not be abandoned by the trustee or upon motion of a party in interest, except upon notice to the case trustee, debtor, debtor's attorney, United States Trustee, and to those parties in interest who request in writing notice of such abandonment proceedings at or before the conclusion of the meeting of creditors held pursuant to 11 U.S.C. § 341. The movant shall file a certificate of service pursuant to LBR 9013-3 with the request for abandonment. The following notice shall be incorporated in the order and notice fixing the 11 U.S.C. § 341 meeting:

Creditors who wish to be notified of abandonment proceedings must file a written request for notice with the Court prior to the conclusion of the 11 U.S.C. § 341 meeting. Otherwise, the Court may order abandonment with notice only to affected parties. See LBR 2002-1(a).

Local Bankruptcy Rules -- Northern District of Ohio

Rule 7003-1 COVER SHEET

Cover Sheets for Adversary Proceedings. At the commencement of each adversary proceeding, an Adversary Proceeding Cover Sheet in the form prescribed by the Administrative Office of the United States Courts shall be filed with the complaint.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 7007-1 MOTION PRACTICE (in APs)

Motion Practice. See LBR 9013-1 through LBR 9013-3.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 7026-1 DISCOVERY GENERAL

Discovery Disputes. To curtail undue delay in the administration of justice, no discovery procedure filed under Fed. R. Civ. P. 26 through 37 to which objection or opposition is made by the responding party shall be taken under consideration by the Court unless the party seeking discovery shall first advise the Court in writing that, after personal consultation and sincere attempts to resolve differences, the parties are unable to reach an accord. This statement shall recite those matters which remain in dispute, and, in addition, the date, time, and place of such conference, and the names of all parties participating therein. It shall be the responsibility of counsel for the party seeking discovery to initiate such personal consultation. In the case of a failure to answer a question at a deposition (including a claimed evasive or incomplete answer), such personal consultation may take place at the deposition at which the alleged failure to answer occurs. Unless otherwise ordered by the Court, no discovery dispute shall be brought to the attention of a Judge, and no motion to compel may be filed, more than 10 days after the discovery cut-off.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 7027-1 DEPOSITIONS & EXAMINATIONS

Videotape depositions may be taken in and used in conformity with Local Civil Rule 32.1.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 7040-1 ASSIGNMENT OF ADVERSARY PROCEEDINGS

All adversary proceedings shall be assigned to the Judge to whom the related case is assigned. See LBR 1073-1(b).

Local Bankruptcy Rules -- Northern District of Ohio

Rule 8006-1 DESIGNATION OF RECORD

Failure to Designate Record. After a notice of appeal has been filed, if there is a failure to designate the record, the Clerk shall certify to the Bankruptcy Appellate Panel or the District Court that there has been a failure by parties to perfect an appeal pursuant to Fed. R. Bankr. P. 8006. A copy of such certification shall be forwarded to all parties to the appeal.

Local Bankruptcy Rules -- Northern District of Ohio

Rule 9001-1 DEFINITIONS

- (a) "Clerk" means the Clerk of the Bankruptcy Court and any Deputy Clerk.
- (b) "Judge" means any judicial officer, including any District Judge or Bankruptcy Judge, before whom any bankruptcy case or proceeding is pending.
- (c) "Court" means any Judge or Clerk of Court personnel to whom responsibility for a particular action or decision in a bankruptcy case or proceeding has been duly delegated or assigned.
- (d) "Local Bankruptcy Rule(s)" or "LBR" mean the Local Rule(s) for the United States Bankruptcy Court, Northern District of Ohio.
- (e) "Local Civil Rule(s)" or "LCR" mean the Local Civil Rule(s) for the United States District Court, Northern District of Ohio.

Rule 9004-1 PAPERS - REQUIREMENTS OF FORM

(a) Form. Except as otherwise ordered by the Court, all papers filed with the Clerk, including exhibits, shall comply with the prescribed Official Bankruptcy Forms, and shall be printed, typewritten, or hand printed in ink on 8½ x 11 inch white paper. The Clerk may accept different sized documents, such as computer printouts.

The text of this Rule also appears in LBR 1002-1(b) and 5005-1(a).

(b) Form of Schedules. The schedules shall state the names and addresses of creditors and parties in interest in alphabetical order within the designated boxes by the last names of natural persons and the first names of other entities. Computer generated forms may not exceed the box size of the official forms. Each address shall include the number and street or the post office box and the city, state, and zip code. If full address information is unknown, the schedules shall so state.

The text of this Rule also appears in LBR 1007-1 and 5005-1(c).

Local Bankruptcy Rules -- Northern District of Ohio

Rule 9004-2 CAPTION - PAPERS, GENERAL

Designation of Judge in Caption. On all papers filed with the Clerk after the petition, the name of the Judge to whom the case is assigned shall be included in the caption either above or below the case number.

The text of this Rule also appears in LBR 5005-1(d).

Local Bankruptcy Rules -- Northern District of Ohio

Rule 9011-4 SIGNATURES

Signatures. Signatures on the petition, pleadings, motions, and other documents submitted to the Court, either by conventional means or by electronic means established by the Court, shall include the attorney's typewritten name, firm affiliation, if any, address, telephone number, facsimile number, e-mail address, and Bar Registration Number. The signature of an attorney on any document filed by electronic means shall be indicated as "s/name."

The text of this Rule also appears in LBR 5005-1(e).

Revised: May 2, 2001

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Rule 9013-1 MOTION PRACTICE

(a) Memorandum in Support, Certificate of Service, and Notice. A motion or application tendered for filing shall be accompanied by a memorandum in support and, except an *ex parte* motion or application, or a motion or application which will be noticed by the Clerk, shall be accompanied by (1) a certificate of service in accordance with LBR 9013-3 and (2) a notice to all persons entitled to notice that any objection must be filed within 10 days, or such other time as specified by applicable Federal Rule of Bankruptcy Procedure or statute or as the Court may order, from the date of service as set forth on the certificate of service, if the relief sought is opposed, and that the Court is authorized to grant the relief requested without further notice unless a timely objection is filed.

(b) Response. Unless otherwise ordered by the Court, a response memorandum must be filed if the relief sought by a motion or application is opposed. The response shall specifically designate the motion or application to which it responds and, subject to Fed. R. Bankr. P. 9006(f), shall be filed within 10 days from the date of service as set forth on the certificate of service attached to the motion or application. The response shall state with particularity the reasons that the motion or application is opposed.

(c) Reply. Subject to Fed. R. Bankr. P. 9006(f), a reply memorandum may be filed within 7 days after the date of service shown on the certificate of service of the response memorandum. No additional memoranda will be considered except upon leave of Court for good cause shown.

(d) Effect of No Response. Failure to file a response on a timely basis may be cause for the Court to grant the motion or application as filed without further notice to the extent such action would not conflict with any Federal Rule of Bankruptcy or Civil Procedure.

(e) No Oral Arguments on Motions. Motions and applications shall be decided without oral argument on the memoranda unless otherwise provided in these rules or a hearing is scheduled by the Court.

Rule 9013-2 BRIEFS AND MEMORANDA OF LAW

(a) Page Limitation. No motion or response thereto, including written argument and cited authorities, shall exceed 20 pages in length, exclusive of appendices, unless the party has first sought and obtained leave of Court. Where such leave is granted, a table of contents containing a summary of all points raised shall be included with the brief or memorandum.

(b) Supporting Evidence. If a motion, opposition brief, or reply brief requires the consideration of facts not appearing of record, a party shall serve and file copies of all documentary evidence and photographs that it intends to rely upon in addition to the affidavits required or permitted by the Federal Rules of Bankruptcy Procedure. In those instances where a party deems it necessary, or the Federal Rules of Bankruptcy Procedure otherwise require that evidence, by way of deposition, be submitted with and/or incorporated into a motion, only those pages of the deposition which contain the pertinent testimony shall be attached to the motion. The party shall not file the entire deposition in support of the motion, as long as certain pages or portions thereof will suffice to establish the party's position.

(c) Citations of Statutes and Regulations. All pleadings and briefs containing references to statutes or regulations shall cite the United States Code or the Code of Federal Regulations, or have attached thereto a copy of the statute or regulation.

(d) Unreported Opinions. If an unreported opinion or an opinion available only through an electronic retrieval process is cited, a copy of the opinion shall be attached to the brief or memorandum, and such attachment shall be an exception to the 20 page limitation in (a) above. Failure to submit such attachments may be grounds for striking the pleading.

Rule 9013-3 CERTIFICATE OF SERVICE - MOTIONS

Other than the petition, schedules, form documents required by the Executive Office of the United States Trustee's Handbook for chapter 7 trustees, and chapter 7 trustees' no asset or final reports, a certificate of service shall be appended to and served with any pleading (excepting any pleading required to be served together with a summons), application, motion, or other paper or document, other than a proof of claim, tendered for filing which is required to be served. The certificate of service shall be signed and shall:

- (1) Identify, with specificity, the pleading or other paper served;
- (2) State the date and method of service;
- (3) Identify, by name and address, each entity served; and
- (4) Contain or refer to an accompanying notice as required by LBR 9013-1(a).

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Rule 9015-1 JURY TRIAL

(a) Upon the express consent of all of the parties, issues triable of right by jury shall, if timely demanded, be by jury.

(b) Any appeal from a judgment entered pursuant to a jury verdict shall be to the United States Court of Appeals for the Sixth Circuit.

(c) Any party may demand a trial by jury of any issue triable of right by a jury, by serving on the other parties a demand therefor in writing at any time after the commencement of the action and not later than 10 days after service of the last pleading directed to such issue. The demand may be endorsed on a pleading of the party. If a party demands a jury trial by endorsing it on a pleading, as permitted by Fed. R. Civ. P. 38(b), a notation shall be placed on the front page of the pleading, immediately following the title of the pleading, stating "Demand for Jury Trial" or equivalent statement. This notation will serve as a sufficient demand under Rule 38(b). Failure to use this manner in noting the demand will not result in a waiver under Rule 38(d).

(d) In the demand a party may specify the issue(s) which it wishes so tried; otherwise the party shall be deemed to have demanded trial by jury for all the issues so triable. If the party has demanded trial by jury for only some of the issues, any other party, within 10 days after service of the demand or such lesser time as the Court may order, may serve a demand for trial by jury of any other or all of the issues of fact in the action.

(e) On motion or on its own initiative, the Court may determine whether there is a right to trial by jury of the issues for which a jury trial is demanded, or whether a demand for trial by jury in a proceeding shall be granted.

(f) The failure of a party to serve and file a demand as required by this Rule constitutes a waiver by the party of trial by jury. A demand for trial by jury made as herein provided may not be withdrawn without consent of the parties.

(g) Fed. R. Civ. P. 47 through 51 apply when a jury trial is conducted.

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Rule 9015-2 PROCEDURES APPLICABLE TO JURY TRIALS

The procedures applicable to jury trials are set forth in Local Civil Rules 47.1, 47.2, 47.3, 47.4, 48.2, 48.3, and 54.1.

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Rule 9019-2 ALTERNATIVE DISPUTE RESOLUTION

Alternative Dispute Resolution is available in adversary proceedings or contested matters. Alternative Dispute Resolution shall be governed by Local Civil Rules 16.4 through 16.10.

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Rule 9025-1 SECURITY - PROCEEDING AGAINST SURETIES

(a) Bonds. The Court, on motion or its own initiative, may order any party to file an original bond or additional security for costs in such amount and so conditioned as the Court by its order may designate.

(b) Sureties. Every bond under this Rule must be secured by either:

(1) A cash deposit equal to the amount of the bond, or

(2) A corporation authorized by the Secretary of the Treasury of the United States to act as surety on official bonds under the Act of August 13, 1894 (28 Stat. 279), as amended, 6 U.S.C. §§ 1-13.

(c) Persons Who May Not Be Sureties. No Clerk, Marshal, member of the Bar, or other officer of this Court shall be accepted as surety on any bond or undertaking in any action or proceeding in this Court.

(d) Release of Bond or Other Security. Upon motion, the Court may order release of the original bond or other security for cause.

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Rule 9037-1 ELECTRONIC CASE FILING

Electronic Filing Procedures. The Court adopts electronic case filing consistent with technical standards, if any, that the Judicial Conference of the United States establishes. The Clerk may accept documents for filing, establish electronic service requirements, issue notices, serve orders and otherwise specify practices and procedures in electronic case management as indicated within the electronic case filing administrative procedures manual.

Enacted: May 2, 2001

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Rule 9070-1 EXHIBITS

(a) Exhibits Not Public Record Until Admitted. Neither the index of exhibits nor any exhibit, model, etc. which has been lodged with the Clerk shall be considered public record until admitted into evidence at the trial.

(b) Marking of Exhibits and Index of Exhibits. Unless otherwise ordered by the Court, the following conventions shall govern the marking and indexing of exhibits:

(1) Case Number and Exhibit Stickers. All exhibits must bear the case number and shall be marked before trial with exhibit stickers.

(2) Plaintiff's Exhibits. The plaintiff shall mark exhibits with numbers.

(3) Defendant's Exhibits. The defendant shall mark exhibits with letters. If there are multiple defendants, letters shall be used followed by the party's last name. If the defendant has more than 26 exhibits, double letters shall be used.

(4) Joint Exhibits. Joint exhibits shall be marked with numbers.

(5) Multiple-Page Exhibits. Where a multiple-page exhibit is introduced, multiple pages should be numbered consecutively.

(6) Index of Exhibits. An index of the exhibits to be used at trial, along with a brief description of such exhibits, shall be filed with the Court and served upon opposing counsel no later than 1 week before the final pretrial.

(c) Retention and Disposal of Exhibits.

(1) Retention of Exhibits by Counsel. All models, diagrams, and exhibits of material filed or placed in the custody of the Clerk for inspection of the Court on the hearing of a cause shall be taken by the party presenting the model, diagram, or exhibit at the conclusion of the hearing unless a party should object and request that the item be retained by the Clerk and the Clerk is so ordered by the Court in writing. It shall be the responsibility of the party offering the model, diagram, or exhibit to maintain the offered or accepted exhibits until after the entering of final judgment or final judgment on appeal on matters appealed, whichever is later, unless directed otherwise by the Court. Upon motion of any party and/or the Court's order, when a demonstrative exhibit is retained by counsel, a picture or other paper record must be substituted for the exhibit.

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(2) Disposal of Exhibits by the Clerk. When an exhibit is retained in the custody of the Clerk, it shall be removed by counsel within 60 days after entry of final judgment or final judgment on appeal. All exhibits not removed by counsel shall be disposed of by the Clerk as waste at the expiration of the withdrawal period.

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Rule 9074-1 TELEPHONE CONFERENCES

(a) Pretrial and Status Conferences. The use of telephone conference calls and, where available, video conferencing for pretrial and status conferences is encouraged. The Court, upon motion by counsel or its own instance, may order pretrial and status conferences to be conducted by telephone conference calls. In addition, upon motion by any party and upon such terms as the Court may direct, the Court may enter an order in appropriate cases providing for the conduct of pretrial and status conferences by video conference equipment.

(b) Trial and Hearing. Upon motion of any party and upon such terms as the Court may direct, the Court may enter an order in appropriate cases providing for the taking of testimony by video conferencing equipment at a trial or other hearing.